



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

July 14, 2005

William L. Robinson
Pacific Islands Regional Administrator
National Marine Fisheries Service
1601 Kapiolani Boulevard, Suite 1110
Honolulu, HI 96814

Subject: Final Environmental Impact Statement (FEIS) for the Bottomfish and Seamount Groundfish Fishery of the Western Pacific Region, May 2005 (CEQ # 20050237)

Dear Mr. Robinson:

The Environmental Protection Agency (EPA) has reviewed the above referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the National Marine Fisheries Service (NMFS) on December 15, 2003. We rated the DEIS as Environmental Concerns - Insufficient Information (EC-2) based on the lack of description regarding integration of the preferred alternative with other restrictions on bottomfish fishing in the Western Pacific. We also indicated our concerns regarding impacts to the federally-endangered Hawaiian Monk Seal and requested additional information regarding the incorporation of voluntary mitigation measures into the Fishery Management Plan (FMP).

EPA appreciates the additional information provided in Section 1.4 of the FEIS regarding agency jurisdictional authority and enforcement. Regarding the Hawaiian Monk Seal, NMFS responded that the voluntary measures are not expected to be incorporated into the FMP and codified in regulations. Instead, "bottomfish fishermen with Northwestern Hawaiian Islands (NWHI) limited entry permits are required by regulation to attend protected species workshops, where these measures are described and discussed" (p. 6-9). The Draft and Final EIS indicates that regulation only requires attending a one-time protected species workshop but that NWHI bottomfish fishermen have voluntarily agreed to attend annual protected species workshops (p. 4-6). NMFS also noted that the observer program for this fishery has been re-instituted allowing monitoring of the implementation and effectiveness of these voluntary measures.

The voluntary measures include retaining all injured and/or dead bycatch on board the vessel and discarding offal after fishing operations have ceased and only if no Hawaiian Monk Seals are in the area. This mitigates seal interactions resulting from discarded fish, as well as modification of seal feeding behavior. The observer summary report from October 1990 to December 1993 cited in the FEIS states that the practice of discarding unwanted fish likely

contributes to predation of catch by seals (p. 4-8). Given this, EPA recommends that the voluntary measures be required and included in the Record of Decision (ROD) as mitigation for behavioral modification impacts to the federally-endangered Hawaiian Monk Seal, and that NWHI bottomfish fishermen attendance at annual protected species workshops be mandatory.

We appreciate the opportunity to review this FEIS. When the Record of Decision is signed, please send one copy to the address above (mail code CED-2). If you have any questions, please contact me or Karen Vitulano, the lead reviewer for this document. Karen can be reached at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

/S/

Nova Blazej, Acting Manager
Environmental Review Office
Communities and Ecosystems Division

cc: Antonio Bentivoglio, U.S. Fish and Wildlife Service, Pacific Islands Ecoregion